



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2550

DATE SCANNED 3-29-13

SCANNER NO. 2

SCAN OPERATOR Chm

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 SEP 11 PM 1:12

September 11, 2012

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrick *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *JP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 July Quarterly Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 July Quarterly Report in accordance with 2 U.S.C. 434(a). The 2012 July Quarterly Report was due on July 15, 2012.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2012 JULY QUARTERLY Not Election Sensitive 07/15/2012 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2538	C00506295	BICKNELL FOR CONGRESS	BICKNELL, HUNTER	JAMES R. SHAW, JR.	\$121,335	0	8/3/2012	19	\$34,201	\$580
2539	C00020453	CASS COUNTY REPUBLICAN CENTRAL COMMITTEE		TONY P. KEY	\$100,231	1	8/9/2012	25	\$8,084	\$225
2540	C00511311	DAVE SITTON FOR CONGRESS	SITTON, DAVE	DAVID KATSEL	\$403,582	0		Not Filed	\$403,582 (est)	\$9,900
2541	C00500173	DAVID MCINTOSH FOR INDIANA	MCINTOSH, DAVID MARTIN	JACKIE M. BENNETT, JR.	\$1,733,077	0	7/31/2012	16	\$575,917	\$6,500
2542	C00501072	DEAN YOUNG FOR CONGRESS COMMITTEE	YOUNG, LARRY DEAN JR	HUGH R. PARDUJE	\$468,916	0		Not Filed	\$117,229 (est)	\$4,950
2543	C00505628	FRIENDS OF CHRIS GARNER	GARNER, CHRISTOPHER JOHN	BARBARA S. SMALL	\$120,085	0		Not Filed	\$120,085 (est)	\$4,950
2544	C00495119	FRIENDS OF HEATHER MCTEER	MCTEER, HEATHER	MERCIDEES MCTEER	\$671,360	0		Not Filed	\$134,272 (est)	\$4,950

2547	C00497644	JIMMIE MOORE FOR CONGRESS	MOORE, JIMMIE SEE	GAIL A. CHINN-PRATT	\$328,232	0		Not Filed	\$82,058 (est)	\$3,850
2548	C00500827	JOHN LEE FOR CONGRESS	LEE, JOHN JAY	RYANN PATRICK-SHELL JUDEN	\$138,309	0		Not Filed	\$46,103 (est)	\$990
2549	C00514489	KENNETH SANDERS FOR CONGRESS CAMPAIGN	SANDERS, KENNETH	ESQUE SANDERS, JR.	\$156,338	0		Not Filed	\$52,113 (est)	\$2,970
2550	C00494187	MODICA FOR SENATE	MODICA, JULIEN	JULIEN MODICA	\$673,796	1		Not Filed	\$224,599 (est)	\$8,937
2551	C00293100	NAADAC THE ASSOCIATION FOR ADDICTION PROFESSIONALS		ALVIN FELICIANO	\$103,032	0	8/23/2012	Not Filed	\$14,149	\$550
2552	C00413567	NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC		ROBERT L. REDDING, JR.	\$154,216	0	8/8/2012	24	\$33,826	\$680
2553	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74		MARK R. PERMAR	\$109,945	1	8/2/2012	18	\$15,813	\$250

2555	C00503078	STRONG UTAH PAC		MICHAEL D. EDMONDS	\$154,435	0	8/28/2012	Not Filed	\$75,185	\$3,850
2556	C00467761	SUE LOWDEN FOR U S SENATE	LOWDEN, SUE	BOB BEERS	\$273,273	2		Not Filed	\$54,655 (est)	\$4,455

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2557	C00507772	SYLVIA ROMO FOR CONGRESS	ROMO, SYLVIA S	LARRY BENSON	\$108,265	0		Not Filed	\$54,133 (est)	\$2,970
2558	C00503342	TOM ENGEL FOR CONGRESS COMMITTEE	ENGEL, TOM	RICHARD VACCARIELLO TIFFANY	\$385,678	0		Not Filed	\$192,839 (est)	\$6,050
2559	C00466011	TRUST WOMEN PAC		REYNOLDS- RICHARDSON	\$175,617	0		Not Filed	\$35,123 (est)	\$990
2560	C00430686	WEBB FOR SENATE	WEBB, JAMES H JR	INGRID MORROY	\$257,207	0		Not Filed	\$51,441 (est)	\$2,970
2561	C00508778	WIELAND 2012	WIELAND, RICHARD E	ROBERT W. MERKLE	\$569,527	0		Not Filed	\$569,527 (est)	\$11,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2012 )  
July Quarterly Report for the )  
Administrative Fine Program: )  
BICKNELL FOR CONGRESS, and ) AF# 2538  
JAMES R SHAW JR as treasurer; )  
CASS COUNTY REPUBLICAN ) AF# 2539  
CENTRAL COMMITTEE, and TONY P )  
KEY as treasurer; )  
DAVE SITTON FOR CONGRESS, and ) AF# 2540  
DAVID KATSEL as treasurer; )  
DAVID MCINTOSH FOR INDIANA, and ) AF# 2541  
JACKIE M BENNETT JR as treasurer; )  
DEAN YOUNG FOR CONGRESS ) AF# 2542  
COMMITTEE, and HUGH R PARDUE as )  
treasurer; )  
FRIENDS OF CHRIS GARNER, and ) AF# 2543  
BARBARA S SMALL as treasurer; )  
FRIENDS OF HEATHER MCTEER, and ) AF# 2544  
MERCIDEES MCTEER as treasurer; )  
  
JIMMIE MOORE FOR CONGRESS, and ) AF# 2547  
CHINN-PRATT, GAIL A. as treasurer; )  
JOHN LEE FOR CONGRESS, and ) AF# 2548  
JUDEN, RYANN PATRICK-SHELL as )  
treasurer; )  
KENNETH SANDERS FOR CONGRESS ) AF# 2549  
CAMPAIGN, and ESQUE SANDERS JR )  
as treasurer; )  
MODICA FOR SENATE, and JULIEN ) AF# 2550  
MODICA as treasurer; )  
NAADAC THE ASSOCIATION FOR ) AF# 2551  
ADDICTION PROFESSIONALS, and )  
ALVIN FELICIANO as treasurer; )

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NATIONAL ASSOCIATION OF FARM ) AF# 2552  
SERVICE AGENCY COUNTY OFFICE )  
EMPLOYEES INC PPC AKA NASCOE )  
PAC, and ROBERT L REDDING JR as )  
treasurer; )  
PLUMBERS AND PIPEFITTERS LOCAL ) AF# 2553  
UNION 74, and MR MARK R PERMAR as )  
treasurer; )

STRONG UTAH PAC, and MICHAEL D ) AF# 2555  
EDMONDS as treasurer; )  
SUE LOWDEN FOR U S SENATE, and ) AF# 2556  
BOB BEERS as treasurer; )  
SYLVIA ROMO FOR CONGRESS, and ) AF# 2557  
LARRY BENSON as treasurer; )  
TOM ENGEL FOR CONGRESS ) AF# 2558  
COMMITTEE, and VACCARIELLO, )  
RICHARD MR. as treasurer; )  
TRUST WOMEN PAC, and REYNOLDS- ) AF# 2559  
RICHARDSON, TIFFANY as treasurer; )  
WEBB FOR SENATE, and INGRID ) AF# 2560  
MORROY as treasurer; )  
WIELAND 2012, and ROBERT W ) AF# 2561  
MERKLE as treasurer; )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do  
hereby certify that on September 12, 2012 the Commission took the following actions  
on the Reason To Believe Recommendation - 2012 July Quarterly Report for the  
Administrative Fine Program as recommended in the Reports Analysis Division's  
Memorandum dated September 11, 2012, on the following committees:

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AF#2538 Decided by a vote of 6-0 to: (1) find reason to believe that BICKNELL FOR CONGRESS, and JAMES R SHAW JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2539 Decided by a vote of 6-0 to: (1) find reason to believe that CASS COUNTY REPUBLICAN CENTRAL COMMITTEE, and TONY P KEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2540 Decided by a vote of 6-0 to: (1) find reason to believe that DAVE SITTON FOR CONGRESS, and DAVID KATSEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2541 Decided by a vote of 6-0 to: (1) find reason to believe that DAVID MCINTOSH FOR INDIANA, and JACKIE M BENNETT JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2542 Decided by a vote of 6-0 to: (1) find reason to believe that DEAN YOUNG FOR CONGRESS COMMITTEE, and HUGH R PARDUE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2543 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF CHRIS GARNER, and BARBARA S SMALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2544 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF HEATHER MCTEER, and MERCIDEES MCTEER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2547 Decided by a vote of 6-0 to: (1) find reason to believe that JIMMIE MOORE FOR CONGRESS, and CHINN-PRATT, GAIL A. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2548 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN LEE FOR CONGRESS, and JUDEN, RYANN PATRICK-SHELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2549 Decided by a vote of 6-0 to: (1) find reason to believe that KENNETH SANDERS FOR CONGRESS CAMPAIGN, and ESQUE SANDERS JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2550 Decided by a vote of 6-0 to: (1) find reason to believe that MODICA FOR SENATE, and JULIEN MODICA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2551 Decided by a vote of 6-0 to: (1) find reason to believe that NAADAC THE ASSOCIATION FOR ADDICTION PROFESSIONALS, and ALVIN FELICIANO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

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letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2552 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC, and ROBERT L REDDING JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2553 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and MR MARK R PERMAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2555 Decided by a vote of 6-0 to: (1) find reason to believe that STRONG UTAH PAC, and MICHAEL D EDMONDS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2556 Decided by a vote of 6-0 to: (1) find reason to believe that SUE LOWDEN FOR U S SENATE, and BOB BEERE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2557 Decided by a vote of 6-0 to: (1) find reason to believe that SYLVIA ROMO FOR CONGRESS, and LARRY BENSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2558 Decided by a vote of 6-0 to: (1) find reason to believe that TOM ENGEL FOR CONGRESS COMMITTEE, and VACCARIELLO, RICHARD MR. as treasurer

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violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2559 Decided by a vote of 6-0 to: (1) find reason to believe that TRUST WOMEN PAC, and REYNOLDS-RICHARDSON, TIFFANY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2560 Decided by a vote of 6-0 to: (1) find reason to believe that WEBB FOR SENATE, and INGRID MORROY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2561 Decided by a vote of 6-0 to: (1) find reason to believe that WIELAND 2012, and ROBERT W MERKLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 13, 2012  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 13, 2012

Julien Modica, in official capacity as Treasurer  
Modica for Senate  
1666 Washington Plaza N  
Reston, VA 20190

C00494187  
AF#: 2550

Dear Mr. Modica:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30th, shall be filed no later than July 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 12, 2012, the FEC found that there is reason to believe ("RTB") that Modica for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 15th. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$8,937. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$8,937 is due within forty (40) days of the finding, or by October 22, 2012, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$224,599  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 22, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Modica for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$8,937 for the 2012 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by October 22, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Modica for Senate

FEC ID#: C00494187

AF#: 2550

PAYMENT DUE DATE: October 22, 2012

PAYMENT AMOUNT DUE: \$8,937

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 NOV 26 PM 2:01

November 26, 2012

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PC for PO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *W*odi Winship/Sari Pickerall *AP*  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2012 July Quarterly Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 July Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

Reports Analysis Division (RAD) recommends that the Commission take no further action against Webb for Senate (AF 2560). At RTB, the Committee appeared to have failed to file the 2012 July Quarterly Report. After RTB, it was determined that the Committee had timely filed the 2012 July Quarterly Report using their previously terminated Committee ID

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number. The Committee subsequently filed the 2012 July Quarterly Report under their current Committee ID number. As such, RAD recommends No Further Action should be taken against the Committee.

For your information, eight (8) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, seven (7) committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and one (1) committee will not be assessed a civil money penalty at FD. An overview of each of these cases has been provided below.

Dave Sitton for Congress (AF 2540) filed the 2012 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$262,820 (previously estimated to be \$403,582), thus the fine would be lowered from \$9,900 to \$8,800.

Dean Young for Congress Committee (AF 2542) filed the 2012 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$7,539 (previously estimated to be \$117,229), thus the fine would be lowered from \$4,950 to \$330.

Friends of Heather McTeer (AF 2544) disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$5,051 (previously estimated to be \$134,272), thus the fine would be lowered from \$4,950 to \$330.

Jimmie Moore for Congress (AF 2547) filed the 2012 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$942 (previously estimated to be \$82,058), thus the fine would be lowered from \$3,850 to \$250.

John Loe for Congress (AF 2548) filed the 2012 July Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$46,103), which would result in no civil money penalty (fine previously assessed to be \$990).

Kenneth Sanders for Congress Campaign (AF 2549) filed the 2012 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$31,872 (previously estimated to be \$52,113), thus the fine would be lowered from \$2,970 to \$990.

Tom Engel for Congress Committee (AF 2558) filed the 2012 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil

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money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$92,641 (previously estimated to be \$192,839), thus the fine would be lowered from \$6,050 to \$3,850.

Trust Women PAC (AF 2559) filed the 2012 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$20,446 (previously estimated to be \$35,123), thus the fine would be lowered from \$990 to \$550.

In addition, one (1) committee detailed below designated a new Treasurer after the RTB finding:

- Trust Women PAC (AF 2559) filed an Amended Statement of Organization after the RTB finding designating Amber Lockner as Treasurer (see second list).

#### **RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Make final determination that the political committees and their treasurers listed on the attached reports with no activity, violated 2 U.S.C. § 434(a) and will not be assessed a civil money penalty.
- (3) Take no further action in AF# 2560 that Webb for Senate and Ingrid Morroy, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
- (4) Send the appropriate letters.

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11/26/2012 11:57 AM

Federal Election Commission  
FD Circulation Report Fine Paid  
2012 JULY QUARTERLY Not Election Sensitive 07/15/2012 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2538	BICKNELL FOR CONGRESS	BICKNELL, HUNTER	C00506295	JAMES R. SHAW, JR.	08/03/2012	19	\$34,201	0	08/12/2012	\$980	\$580	10/22/2012	\$580
2539	CASS COUNTY REPUBLICAN CENTRAL COMMITTEE		C00020453	TONY P. KEY	08/09/2012	25	\$8,064	1	09/12/2012	\$225	\$225	09/19/2012	\$225
2541	MADISON PAC FOR CONSTITUTIONAL LIMITED GOVERNMENT	MCINTOSH, DAVID MARTIN	C00500173	JACKIE M. BENNETT, JR.	07/31/2012	18	\$575,917	0	09/12/2012	\$8,500	\$8,500	10/2/2012	\$8,500
2552	NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC		C00413567	ROBERT L. REDDING, JR.	08/08/2012	24	\$33,826	0	09/12/2012	\$680	\$680	10/10/2012	\$680
2553	PLUMBERS AND PIPEFITTERS LOCAL UNION 74		C00192849	MARK R. PERMAR	08/02/2012	18	\$15,813	1	09/12/2012	\$250	\$250	10/22/2012	\$250

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11/26/2012 11:58 AM

Federal Election Commission  
FD Circulation Report Fine Not Paid  
2012 JULY QUARTERLY Not Election Sensitive 07/15/2012 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2540	DAVE SITTON FOR CONGRESS	SITTON, DAVE	C00511311	DAVID KATSEL	10/02/2012	Not Filed	\$262,820	0	09/12/2012	\$9,900	75	\$8,800
2542	DEAN YOUNG FOR CONGRESS COMMITTEE FRIENDS OF HEATHER MCTEER	YOUNG, LARRY DEAN JR MCTEER, HEATHER	C00501072 C00495119	HUGH PARDEE, JR. MERCIDEES MCTEER	10/05/2012	Not Filed	\$7,539 \$5,051	0 0	09/12/2012 09/12/2012	\$4,950 \$4,950	75 75	\$330 \$330
2547	JIMMIE MOORE FOR CONGRESS	MOORE, JIMMIE SEE	C00497844	GAIL A. CHINN-PRATT	10/09/2012	Not Filed	\$942	0	09/12/2012	\$3,850	75	\$250
2548	JOHN LEE FOR CONGRESS	LEE, JOHN JAY	C00500827	RYANN PATRICK-SHELL JUDEN	10/15/2012	Not Filed	\$0	0	09/12/2012	\$990	75	NONE
2549	KENNETH SANDERS FOR CONGRESS CAMPAIGN	SANDERS, KENNETH	C00514489	ESQUE SANDERS, JR.	10/18/2012	Not Filed	\$31,872	0	09/12/2012	\$2,970	75	\$990
2550	MODICA FOR SENATE	MODICA, JULIEN	C00494187	JULIEN MODICA		Not Filed	\$224,589 (est)	1	09/12/2012	\$8,937	75	\$8,937
2557	SYLVIA ROMO FOR CONGRESS	ROMO, SYLVIA S	C00507772	LARRY BENSON	11/14/2012	Not Filed	\$81,104	0	09/12/2012	\$2,970	75	\$2,970
2558	TOM ENGEL FOR CONGRESS COMMITTEE	ENGEL, TOM	C00503342	RICHARD VACCARIELLO	10/03/2012	Not Filed	\$92,641	0	09/12/2012	\$8,050	75	\$3,850
2559	TRUST WOMEN PAC		C00468011	AMBER LOCKNER	09/24/2012	Not Filed	\$20,446	0	09/12/2012	\$990	75	\$550

BEFORE THE FEDERAL ELECTION COMMISSION

13092682596

In the Matter of	)	
	)	
Administrative Fines Program - Final	)	
Determination Recommendation for the	)	
2012 July Quarterly Report:	)	
BICKNELL FOR CONGRESS, and	)	AF# 2538
JAMES R SHAW JR as treasurer;	)	
CASS COUNTY REPUBLICAN	)	AF# 2539
CENTRAL COMMITTEE, and TONY P	)	
KEY as treasurer;	)	
DAVE SITTON FOR CONGRESS, and	)	AF# 2540
DAVID KATSEL as treasurer;	)	
MADISON PAC FOR CONSTITUTIONAL	)	AF# 2541
LIMITED GOVERNMENT, and	)	
BENNETT, JACKIE M JR. as treasurer;	)	
DEAN YOUNG FOR CONGRESS	)	AF# 2542
COMMITTEE, and PARDUE, HUGH MR.	)	
JR. as treasurer;	)	
FRIENDS OF HEATHER MCTEER, and	)	AF# 2544
MERCIDEES MCTEER as treasurer;	)	
	)	
JIMMIE MOORE FOR CONGRESS, and	)	AF# 2547
CHINN-PRATT, GAIL A. as treasurer;	)	
JOHN LEE FOR CONGRESS, and	)	AF# 2548
JUDEN, RYANN PATRICK-SHELL as	)	
treasurer;	)	
KENNETH SANDERS FOR CONGRESS	)	AF# 2549
CAMPAIGN, and ESQUE SANDERS JR	)	
as treasurer;	)	
MODICA FOR SENATE, and JULIEN	)	AF# 2550
MODICA as treasurer;	)	
NATIONAL ASSOCIATION OF FARM	)	AF# 2552
SERVICE AGENCY COUNTY OFFICE	)	
EMPLOYEES INC PPC AKA NASCOE	)	
PAC, and ROBERT L REDDING JR as	)	
treasurer;	)	
PLUMBERS AND PIPEFITTERS LOCAL	)	AF# 2553
UNION 74, and MR MARK R PERMAR as	)	
treasurer;	)	

SYLVIA ROMO FOR CONGRESS, and ) AF# 2557  
LARRY BENSON as treasurer; )  
TOM ENGEL FOR CONGRESS ) AF# 2558  
COMMITTEE, and VACCARIELLO, )  
RICHARD MR. as treasurer; )  
TRUST WOMEN PAC, and AMBER ) AF# 2559  
LOCKNER as treasurer: )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 27, 2012 the Commission took the following actions on the Administrative Fines Program - Final Determination Recommendation for the 2012 July Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated November 26, 2012, on the following committees:

AF#2538 Decided by a vote of 6-0 to: (1) make a final determination that BICKNELL FOR CONGRESS, and JAMES R SHAW JR as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2539 Decided by a vote of 6-0 to: (1) make a final determination that CASS COUNTY REPUBLICAN CENTRAL COMMITTEE, and TONY P KEY as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2540 Decided by a vote of 6-0 to: (1) make a final determination that DAVE SITTON FOR CONGRESS, and DAVID KATSEL as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2541 Decided by a vote of 6-0 to: (1) make a final determination that MADISON PAC FOR CONSTITUTIONAL LIMITED GOVERNMENT, and BENNETT, JACKIE M JR. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2542 Decided by a vote of 6-0 to: (1) make a final determination that DEAN YOUNG FOR CONGRESS COMMITTEE, and PARDUE, HUGH MR. JR. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2544 Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF HEATHER MCTEER, and MERCIDEES MCTEER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2547 Decided by a vote of 6-0 to: (1) make a final determination that JIMMIE MOORE FOR CONGRESS, and CHINN-PRATT, GAIL A. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2548 Decided by a vote of 6-0 to: (1) make a final determination that JOHN LEE FOR CONGRESS, and JUDEN, RYANN PATRICK-SHELL as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2549 Decided by a vote of 6-0 to: (1) make a final determination that KENNETH SANDERS FOR CONGRESS CAMPAIGN, and ESQUE SANDERS JR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2550 Decided by a vote of 6-0 to: (1) make a final determination that MODICA FOR SENATE, and JULIEN MODICA as treasurer, violated 2 U.S.C. 434(a) and assess

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the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2552 Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC, and ROBERT L REDDING JR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2553 Decided by a vote of 6-0 to: (1) make a final determination that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and MR MARK R PERMAR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2557 Decided by a vote of 6-0 to: (1) make a final determination that SYLVIA ROMO FOR CONGRESS, and LARRY BENSON as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2558 Decided by a vote of 6-0 to: (1) make a final determination that TOM ENGEL FOR CONGRESS COMMITTEE, and VACCARIELLO, RICHARD MR. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2559 Decided by a vote of 6-0 to: (1) make a final determination that TRUST WOMEN PAC, and AMBER LOCKNER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Federal Election Commission  
Certification for Administrative Fines  
November 27, 2012

Page 5

13092682600

Attest:

November 28, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 28, 2012

Julien Modica, in official capacity as Treasurer  
Modica for Senate  
1666 Washington Plaza N  
Reston, VA 20190

C00494187  
AF#: 2550

Dear Mr. Modica:

On September 12, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Modica for Senate and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 July Quarterly Report. By letter dated September 13, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$8,937 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, its treasurer was required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. You must also file the 2012 July Quarterly Report.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on November 27, 2012 that you, in your official capacity as treasurer, and Modica for Senate violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$8,937 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$224,599  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within thirty (30) days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

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On behalf of the Commission,

*Caroi C. Hunter*

Caroline C. Hunter  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$8,937 for the 2012 July Quarterly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within thirty (30) days of receipt of this letter.

**Payments by Personal Check**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Modica for Senate

FEC ID#: C00494187

AF#: 2550

PAYMENT AMOUNT DUE: \$8,937

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**U.S. Department of the Treasury  
Financial Management Service  
Debt Collection Programs**

**(Cross-Servicing Program and Treasury Offset Program)**

**Calendar Year 2013 Annual Debt Certification Agreement for Federal Nontax Debts**

This Annual Debt Certification Agreement for Federal Nontax Debts (Certification Agreement) is submitted by: (Creditor Agency) Federal Election Commission (FEC)

**Section I: Background**

- A. The U.S. Department of the Treasury, Financial Management Service (FMS), provides debt collection services to Federal agencies that are owed delinquent debt.
- B. Federal agencies are generally required to submit debts that have been delinquent for 180 days to FMS for debt collection services, and may submit debts sooner if the necessary prerequisites are met. See 31 U.S.C. §§ 3711(g) and 3716(c).
- C. Upon submitting debts to FMS for debt collection services, Federal agencies are required to certify to FMS, among other things, that the debts are valid, legally enforceable, there are no bars to collection, and all requisite due process has been completed, as set forth in this Certification Agreement.
- D. The definitions of terms used in this Certification Agreement are in Attachment A, Definitions of Terms Used in Certification Agreement.

**Section II: General Provisions**

The Creditor Agency understands and agrees to the following:

- A. **Scope.** The provisions of this Certification Agreement apply to all Debts submitted by Electronic Transmission on or after the date of the Certification Agreement by the Creditor Agency to FMS for collection through the Cross-Servicing Program and/or the Treasury Offset Program.
- B. **Certification Authority.** Only an individual with delegated authority to certify a Debt on behalf of the Creditor Agency will submit a Debt to FMS via an Add Record or Update Record. The Creditor Agency will provide a copy of this Certification Agreement to any such individual.

**C. Changes to Debt Information.**

1. The Creditor Agency understands its obligation to notify FMS: (a) of any change in the amount, validity, or legal enforceability of the Debt; and (b) if the Debt becomes subject to circumstances that legally preclude or bar collection.
2. The Creditor Agency authorizes FMS to Update Records on its behalf, in accordance with criteria established by FMS, for the purpose of adding alias Debtor name information for a Debt certified by the Creditor Agency. Creditor Agency will notify FMS as soon as it learns that any such updates are incorrect.

**Section III: Debt Certification**

The Creditor Agency understands that by submitting a Debt to FMS via an Add Record or Update Record, the individual submitting the Debt is certifying to FMS, in writing, under penalty of perjury, that, to the best of his or her knowledge and belief, the following is true and correct:

**A. General Prerequisites for Collection.**

1. **Valid Debts.** The Creditor Agency has made a final determination that the Debt is valid and legally enforceable in the amount stated, and that the Debt is not subject to any circumstances that legally preclude or bar collection.
2. **Delinquent Debts.** The Debt is delinquent, and the Debtor is not paying the Debt in accordance with any repayment plan agreed to by the Creditor Agency.
3. **Interest, Penalties, and Administrative Costs.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3717 and 31 CFR 901.9, as well as other statutes, regulations, and policies applicable to Creditor Agency's assessment of interest, penalties, and administrative costs on the Debt. The Creditor Agency has provided a written notice to the Debtor explaining the Creditor Agency's requirements concerning the assessment of interest, penalties, and administrative costs.
4. **Debtor Disputes.** The Creditor Agency has considered any and all evidence presented by the Debtor disputing the Creditor Agency's determination about the Debt, and there are no pending appeals of such determination that would preclude collection of the Debt.
5. **Collection Efforts.** The Creditor Agency has made reasonable efforts to obtain payment of the Debt, including, at a minimum, by demanding payment of the Debt.
6. **Creditor Agency Profile Form.** The Creditor Agency Profile Form has been completed by the Creditor Agency and is accurate and up-to-date.

- B. General Prerequisites for Collection by Offset, including Tax Refund Offset.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized FMS to collect the Debt by offsetting Federal and State tax and nontax payments:

1. ***Compliance with Offset Laws.*** The Creditor Agency has complied with all of the provisions of 31 U.S.C. §§ 3716 and 3720A, 31 CFR Part 285, and the Federal Claims Collection Standards (31 CFR Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to the collection of the Debt by offset.
  2. ***Due Process Prerequisites.*** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with:
    - a. a written notification, at the Debtor's most current known address, of the nature and the amount of the Debt, the intention of the Creditor Agency to collect the Debt through offset, including offset of Federal and State payments, and an explanation of the rights of the Debtor;
    - b. an opportunity to inspect and copy the records of the Creditor Agency with respect to the Debt;
    - c. an opportunity for review of the Creditor Agency's determination with respect to the Debt, including an opportunity to present evidence that all or part of the Debt is not delinquent or legally enforceable; and
    - d. an opportunity to enter into a written repayment agreement with the Creditor Agency.
  3. ***Due Process Prerequisites for Certain Older Debts.*** For a Debt outstanding more than ten years on or before December 28, 2009, the Creditor Agency sent the notice described in Section III.B.2.a to the last known address of the Debtor after the Debt was outstanding for more than ten years, and afforded the Debtor the opportunities described in Sections III.B.2.b. - II.B.2.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to December 28, 2009.
- C. *Prerequisites for Collection by Federal Salary Offset.*** If, through a Salary Offset Instruction, the Creditor Agency has authorized FMS to collect the Debt by offsetting Federal salary payments:
1. ***Compliance with Federal Salary Offset Laws.*** The Creditor Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 CFR §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset; and
  2. ***Due Process Prerequisites.*** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with the notification and opportunities required by Sections III.B.2. and III.B.3., and any other notices, opportunities, or considerations required for Federal salary offset.

D. **Consumer Reporting Agencies.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized FMS to disclose Debts to consumer reporting agencies:

1. **Compliance with Consumer Reporting Agency Requirements.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3711(c) and the Federal Claims Collection Standards, as well as other statutes, regulations, and policies applicable to the reporting of a delinquent Debt to consumer reporting agencies.
2. **Notice Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency provided the Debtor with:
  - a. notification that the Debt is overdue and the Creditor Agency intends to disclose that the Debtor is responsible for the Debt to a consumer reporting agency;
  - b. the specific information to be disclosed to the consumer reporting agency; and
  - c. the Debtor's rights to an explanation of the claim, dispute the information in the Creditor Agency's records about the claim, and an administrative appeal or review of the claim; and
3. **Review Prerequisites.** Upon the request of a Debtor, the Creditor Agency has provided for a review of the Debtor's claim(s), including an opportunity for reconsideration of the initial decision on the Debt.

#### **Section IV: Certification**

By signing below, I certify that I have delegated authority to execute this Certification Agreement on behalf of the head of Creditor Agency and understand this agreement applies to all debts submitted by Electronic Transmission on or after the date of the Certification Agreement to FMS for collection through the Cross-Servicing Program and/or the Treasury Offset Program.

  
Signature

Judy Berning

Print Name

Chief Finance Officer - Acting

Title

11/27/2012  
Date



U.S. Department of the Treasury  
Financial Management Service  
Debt Collection Programs

(Cross-Servicing Program and Treasury Offset Program)

Annual Debt Certification Agreement for Federal Nontax Debts

ATTACHMENT A

Definitions of Terms Used in Certification Agreement

For the purposes of this Certification Agreement:

1. **Add Records.** "Add Records" means the addition of new Debts, by Electronic Transmission, to the Cross-Servicing Program or TOP, by the Creditor Agency with an instruction by the Creditor Agency directing the Financial Management Service (FMS) to take collection action on the Debt, in accordance with the specification in the FMS Technical Guidance. "Add Records" occurs when the Creditor Agency submits a Debt to FMS unless the Creditor Agency explicitly instructs FMS not to take collection action (in accordance with the specifications of the FMS Technical Guidance). As further specified in the FMS Technical Guidance, "Add Records" can be accomplished either through a batch or manual process.
2. **Certification Date.** "Certification Date" means the date of the Electronic Transmission of the Debt.
3. **Creditor Agency Profile Form.** "Creditor Agency Profile Form" means the document(s) the Creditor Agency completes to provide information to FMS, including, among other things, what tools FMS is authorized to use to collect Debts on behalf of the Creditor Agency, and contact information for the Creditor Agency's personnel who are available to assist FMS with questions related to the transferred Debt. The Creditor Agency Profile Form is an FMS document that FMS sends to agencies for completion.
4. **Cross-Servicing Program.** "Cross-Servicing Program" means FMS's debt collection program in which FMS uses a variety of debt collection tools, including TOP, to collect delinquent nontax debts on behalf of Federal agencies.
5. **Debt.** "Debt" means any federal nontax debt, any information about such a debt, any information about the Debtor associated with the debt, and any update, change, or modification to such information.
6. **Debtor.** "Debtor" means a person who owes a Debt.
7. **Debtor Detail Screen.** "Debtor Detail Screen" means the screen in the TOP Web Client (as defined in FMS Technical Guidance) on which a Debt can be entered.

8. **Electronic Transmission.** "Electronic Transmission" means any transmission of information to FMS from the Creditor Agency via any form of electronic media including, but not limited to, tapes, diskettes, and on-line access through an Add Records, an Update Records, or a Salary Offset Instruction.
9. **FMS Technical Guidance.** "FMS Technical Guidance" means the technical guidance issued by FMS that, among other things, instructs agencies how to Add Records and Update Records. "FMS Technical Guidance" includes:
  - a. ***Direct Referrals to TOP.*** For direct referrals to TOP, "FMS Technical Guidance" includes:
    - i. "Treasury Offset Program Agency Guide: The Official Federal Agency Guide to the Treasury Offset Program," version 2010.3, as updated from time-to-time;
    - ii. "Treasury Offset Program: Enhanced Record Layouts Version 3.2 with Definitions, Error Codes and Layout Mapping," as updated from time-to-time;
    - iii. "Integrated Agency Interface File Formats," version 3.30t, as updated from time-to-time;
    - iv. "Treasury Offset Program: The Online Client Agency User Guide," version 1.0, as updated from time-to-time; and
    - v. Any other guidance issued by FMS providing technical specifications for how to refer Debts directly to TOP.
  - b. ***Referrals to the Cross-Servicing Program.*** For referrals to the Cross-Servicing Program, "FMS Technical Guidance" includes:
    - i. "Integrated Agency Interface File Format For Cross-Servicing," version 3.30.1, as updated from time-to-time;
    - ii. "XDC FedDebt Referral File Format: Electronic Case Entry for Cross-Servicing," as updated from time-to-time;
    - iii. "FedDebt Online Functionality: Creating a Case Online," revised 12/2010, as updated from time-to-time;
    - iv. "Cross-Servicing Implementation Guide," revised August 2008, as updated from time-to-time; and
    - v. Any other guidance issued by FMS providing technical specifications for how to refer Debts to the Cross-Servicing Program.
10. **Record Type 6.** "Record Type 6" means the record layout used for sending data to TOP, and includes information regarding what payments should be excluded from offset.
11. **Salary Offset Instruction.** "Salary Offset Instruction" means the salary by-pass indicator used by the Creditor Agency to indicate to TOP whether or not a Debt should be collected through the offset of Federal salary payments. As further specified in the FMS Technical Guidance:
  - a. ***No Offset of Federal Salary Payments.*** To direct that FMS not collect a Debt through the offset of Federal salary payments, the Creditor Agency must:

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- i. Transmit the file with a Record Type 6 containing an A in the Action Field and SAL in the Payment Bypass Indicator Field;
  - ii. Indicate in the Creditor Agency's Agency Profile (i.e., the default settings established by the Creditor Agency) that Federal salary payments should not be offset;
  - iii. Manually check the "salary by-pass" column online through the Debtor Detail Screen; or
  - iv. Follow other relevant guidance in the FMS Technical Guidance regarding how to bypass salary payments.

b. **Offset Federal Salary Payments.** The Creditor Agency directs FMS to collect a Debt through the offset of Federal salary payments as follows:

- i. If the Creditor Agency submits a Debt to FMS without a specific indication that the Debt should not be collected through the offset of Federal salary payments (see paragraph 11.a. of this Attachment A, above), the Creditor Agency has indicated that the Debt should be collected through the offset of Federal salary payments;
- ii. If the Creditor Agency has previously indicated that Federal salary payments not be offset, to indicate that Federal salary payments be offset, the Creditor Agency must:
  - (a) Send a Record Type 6 with a D in the Action Field and SAL in the Payment Bypass Indicator Field;
  - (b) Send a Record Type 6 with a U in the Action Field and SAL in the Payment Bypass Indicator Field; or
  - (c) Indicate in the Creditor Agency's Agency Profile (i.e., the default settings established by the Creditor Agency) that Federal salary payments should be offset; or
- iii. The Creditor Agency must follow other relevant guidance in the FMS Technical Guidance regarding how to offset Federal salary payments.

12. **Treasury Offset Program or TOP.** "Treasury Offset Program" or "TOP" means the FMS's debt matching and payment offset program that uses payment and debt data received from Federal agencies and States to collect delinquent debt from payments disbursed by FMS and other Federal and State disbursing agencies.

13. **Update Records.** "Update Records" means any update, change or modification of information about a Debt previously transmitted by the Creditor Agency. Specifically, "Update Records" includes any update, change or modification of information about such a Debt that is submitted to FMS, by Electronic Transmission, through either a batch or manual process, as further specified by the FMS Technical Guidance.



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2550

DATE SCANNED 3-25-13

SCANNER NO. 2

SCAN OPERATOR James

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